



PTO/SB/26 (10-96) (Modified)

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**Docket No. (Optional)  
PCOA:673--1

In Re Application Of: Gary R. Delduca  
Alan E. Deyo  
Vinod K. Luthra  
Wen P. Wu  
Application No.: 09/094,008  
Filed: June 9, 1998  
For: Modified Atmosphere Package

#10  
BA

Petitioner, Tenneco Packaging Inc., is the owner of one hundred (100) percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,811,142. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically, the Assignment of the parent application to Tenneco Packaging Inc., which was recorded on December 13, 1996, at Reel 8353/Frame 0173, and certifies that, to the best of his knowledge and belief, title of the instant application is in the name of Assignee, Tenneco Packaging Inc.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

TENNECO PACKAGING INC.

Date: 3/25/99  
Jay Barnes  
Assistant Secretary☒ Terminal disclaimer fee under 37 C.F.R. § 1.20(d) included.☒ PTO suggested wording for terminal disclaimer was:☐ unchanged. ☒ changed (if changed, an explanation should be supplied).**Paragraph in bold added for compliance with 37 C.F.R. § 3.73**

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